

CITY OF MUSKEGON  
MUSKEGON HOUSING BOARD OF APPEALS  
MEETING MINUTES  
12/06/07  
5:30PM

ATTENDANCE: Greg Borgman, Randy Mackie, Ed Simmons, Jon Rolewicz, Nick Kroes, Kirk Kolberg

ABSENT: Chris Carter

EXCUSED:

STAFF: Mark Kincaid, Jim Hoppus, Carmen Smith, Henry Faltinowski

GUESTS: Stacey Scheuerer(256 Iona), Brandy Hillsburg(1125 Maple), Suleyman Cotal(4 Webster), Chaunel Phillip-Gibson(1174 Jefferson), William Sininger(1126 Kenneth)

Meeting minutes: A motion was made by Nick Kroes and seconded by Jon Rolewicz to approve the November 2007 minutes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
				Greg Borgman

Randy Mackie  
Jon Rolewicz  
Nick Kroes

Chris Carter

Ed Simmons

Kirk Kolberg(late)

Motion carried.

**EN-070212(Garage)- 719 E. Apple-, Fedo Randy/Schaddelee James M., 379 Garden Ave. Holland, MI 49424 –Removed from agenda, garage demolished.**

## **DANGEROUS BUILDING REVIEW CASES:**

**EN-050084 1174 Jefferson – Chaunel Phillips/Gibson, 1168 Jefferson, Muskegon, MI 49441**

Mrs. Phillips-Gibson was present to represent case.

Mrs. Phillips-Gibson said she went to Inspections Department to renew permits and she was told she had to get four permits but she only pulled three. The fourth permit was the building permit which originally was issued to contractor Maurice Goodlow. Her problem was renewing a permit she never was issued in the first place. She said she was told by Don LaBrenz that the fee would be \$500.00 half of original permit. She said she doesn't have \$500 worth of work to do. Greg Borgman said that permit fees are outside scope of authority of the Housing Board. Mark Kincaid said all the permits have expired almost two years ago and there have been no progress inspections scheduled and case was tabled in October with owner to renew all permits. Mr. Kincaid said rough-in inspections were scheduled. Mrs. Gibson said all the rough-in inspections for electrical, mechanical and plumbing passed and she was agreeable to renew permits she pulled for \$35.00 each but objected to renewing a building permit for which she never applied for in the first place. Jon Rolewicz said permits are required for repairs being done on the house and it's not relevant who pulled it; if she is owner of home she is responsible for permits. Mrs Phillips-Gibson said she needs a building permit but doesn't think it should be based on amount of previous building permit and that Inspections should come thru home to see what's left to be done instead of out of blue come up with a number. Henry Faltinowski said that contractor Maurice Goodlow has right to request a partial refund for original permit and that money would go back to him as required by the law. He said that Mrs. Phillips-Gibson needs to pull a building permit to finish the job which would amount to cost of project minus the work already performed by Mr. Goodlow when he left the job. Nick Kroes said his concerned with short of an inspection the board doesn't know what we're really looking at since Mrs. Phillips says she's nearly complete. Mark Kincaid said we don't know either because no inspections have been scheduled. Henry Faltinowski said when rough-in was done no drywall was up it's what you would call a skeleton so you would go from that point for the cost of the project including the labor. Mark Kincaid explained that the issue is the contractor pulled out at 50% of the project and was within rights to request 50% of permit fee back which the original permit was for \$902.75 so somebody has to make up difference if contractor was to request a refund.

Motion made by Randy Mackie to table case until the January 2008 meeting with a progress inspection to be scheduled by all trades and motion was seconded by Nick Kroes.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				

Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-070151 – 4 W. Webster – Suleyman Cotal, 390 W. Muskegon, Muskegon, MI 49440**

Mr. Cotal was present to represent case.

Mr. Cotal said he brought drawing and had questions he wanted to pose to inspectors that were not present. Mr. Cotal showed letter stating plans were approved and Mr. Kincaid said plans were approved but work performed does not match approved plans. Mr. Cotal said project is not finished. Mr. Kincaid said that's the problem and work that has been done does not match drawings. Mr. Cotal said contractors have taken his money and walked away. Henry Faltinowski said there are no plumbing, mechanical, & electrical contractors to date and no rough-in's have been scheduled. Kirk Kolberg stated in order to continue contractors are needed. Mr. Cotal said he is presently going to court against one contractor. Nick Kroes stated that the relationships between Mr. Cotal and with other businesses or contractors are not the concern of the Housing Board of Appeals, but the building which is Mr. Cotal's responsibility is a eyesore and has been for years and the Housing Board responsibility is to make sure the City of Muskegon doesn't have eyesores. Jon Rolewicz made a motion based on lack of licensed contractors on job, lack of progress and cooperation to declare the building substandard, a public nuisance, and dangerous building and seconded by Randy Mackie.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				

Jon Rolewicz  
Nick Kroes

Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

**DANGEROUS BUILDING NEW CASES:**

**EN-070207 – 1126 Kenneth – Countrywide Home Loans Inc, 400 Countrywide Way Simi Valley, CA 93065**

Mr. William Sininger, attorney to represent Countrywide was present for case.

Mr. Sininger stated Countrywide was the mortgagee on this property and obtained title thru foreclosure sale. Mr. Sininger stated he is assisting Countrywide by contacting businesses who buy properties to rehab, rent or resale. Mr. Sininger asked for copy of interior inspection which was provided by staff. Mr. Sininger said his contacts have the means to turn the property around but at this point don't have a specific buyer and would like additional time to secure a buyer. Greg Borgman said home needs to be secured. Henry Faltinowski said there has been some interest shown by contractors in the area to purchase. Mr. Sininger said he would contact client to make sure home was secured. Mark Kincaid stated if client keeps in contact and if a buyer is found and starts applying for permits, the case would not be forwarded to City Commission.

Nick Kroes made motion to declare the building substandard, a public nuisance, and dangerous building and seconded by Ed Simmons.

A roll call vote was taken:

AYES:  
Greg Borgman

NAYES:

EXCUSED:

ABSENT:

ABSTENTION:

Randy Mackie

Jon Rolewicz  
Nick Kroes

Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-070202 – 1125 Maple –Robert/Brandy Hillsburg, 340 W. Forest Ave.,  
Muskegon, MI 49441**

Mrs. Brandy Hillsburg was present to represent case.

Mrs. Hillsburg stated she was selling the home to her brother, he lived in home for a while then stopped paying her. She said she left work because of problems with pregnancy and couldn't pay the mortgage and the bank took it back in foreclosure. She said it was hard to get her brother out of home and then bank put padlock on door saying it was in foreclosure. She said in the meantime windows were broken and holes were burnt in carpet and garbage/clothes left as if someone was still living there. The bank then informed them they were not going to foreclose but they were under the impression after the padlock was put on door that they couldn't legally enter the property so didn't try to do anything with property. She said they spoke with inspectors and found out they couldn't do the work themselves because it was not owner occupied and they don't have the money to hire contractors to fix the home. She said they would like to sell it and didn't deny Inspections to get in but because of going back to work her hours conflicted with scheduling an inspection. Mark Kincaid stated staff is unclear as to how or if owner plans to fix it. Mrs. Hillsburg said she would like to sell the property and the bank has agreed to take a loss if she can get a buyer and doesn't want to see it tore down. Nick Kroes made the suggestion if she decides to fix the house to get in touch with Inspections and come up with a plan.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Randy Mackie made a motion to accept staff recommendation and was seconded by Ed Simmons.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				

Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-070211 – 256 Iona – Stacy Scheuerer, 2469 Hadden, Muskegon, MI 49441**

Stacy Scheuerer was present to represent case.

Ms Scheuerer said she bought the property August 10, 2007 and checked and there were no liens on property when she bought it. She said this was her first time buying a property at an auction. She said she boarded up the windows. She said she is in the middle of selling it and is suppose to sign papers this week with someone who claims to be a builder and has agreed to make all repairs. She said she notified the building inspector that she was selling the house and gave address where notices should be sent to. Ed Simmons asked if intention when buying was to sell. Ms. Scheuerer said she bought two houses and was going to live in one and rent the other but upon looking inside was very disappointed. Greg Borgman said if aggressive action is not taken then it falls into somebody else hands and blight continues. Ms Scheuerer mother who was present said if property doesn't sell she would vow to make repairs herself.

Motion made by Nick Kroes to table case until the January 2008 meeting and seconded by Kirk Kolberg.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				
			Chris Carter	
Ed Simmons				
Kirk Kolberg				

Motion carried.

**EN070209 (Garage) -709 E. Apple Ave – M ark Chiaverini, 719 Overbrook St. , Muskegon, MI 49444**

No one was present to represent case.

Motion made by Randy Mackie to declare the building substandard, a public nuisance, and dangerous building and was seconded by Jon Rolewicz.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				

Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-070217 – 811 W. Grand – Joyce Lockett, 1334 Peck, Muskegon, MI 49441**

No one was present to represent case.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Randy Mackie to accept staff recommendation and was seconded by Ed Simmons

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>	<u>ABSTENTION:</u>
Greg Borgman				
Randy Mackie				
Jon Rolewicz				
Nick Kroes				

Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

**EN-070201- 867 Young Ave – National City Bank of MI, 3232 Newmark Dr.,  
Miamisburg, OH 45342-5433**

No one was present to represent case.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Jon Rolewicz to accept staff recommendation and was seconded by Ed Simmons

A roll call vote was taken:

AYES:                      NAYES:                      EXCUSED:                      ABSENT:                      ABSTENTION:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

Chris Carter

Ed Simmons  
Kirk Kolberg

Motion carried.

**OLD BUSINESS:**

Jon Rolewicz asked about 143 W. Southern he said it has been boarded up 180 days and staff was suppose to report back to board on property. Henry Faltinowski said he had been out there but there was not enough on the exterior to write up yet. Greg Borgman asked about property at 1211 Third. Randy Mackie asked about terms of officers who expire soon. Mark Kincaid said he would check on them.

**NEW BUSINESS:**

**ADJOURNMENT:                      6:30 PM**

**CITY OF MUSKEGON**

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF  
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.**



The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.

Ann Becker, City Clerk  
933 Terrace Street  
Muskegon, MI 49443  
(231) 724-6705 or TDD (231) 724-6773